

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: CARDTRONICS ATM FEE NOTICE
LITIGATION**

MDL No. 2245

(SEE ATTACHED SCHEDULE)

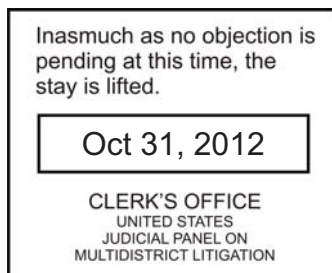
CONDITIONAL TRANSFER ORDER (CTO –5)

On May 26, 2011, the Panel transferred 2 civil action(s) to the United States District Court for the Southern District of California for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. §1407. *See* 787 F.Supp.2d 1366 (J.P.M.L. 2011). Since that time, 6 additional action(s) have been transferred to the Southern District of California. With the consent of that court, all such actions have been assigned to the Honorable Roger T Benitez.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Southern District of California and assigned to Judge Benitez.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. §1407 to the Southern District of California for the reasons stated in the order of May 26, 2011, and, with the consent of that court, assigned to the Honorable Roger T Benitez.

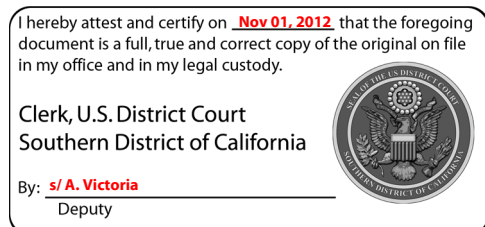
This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Southern District of California. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7–day period, the stay will be continued until further order of the Panel.



FOR THE PANEL:



Jeffery N. Lüthi
Clerk of the Panel



**IN RE: CARDTRONICS ATM FEE NOTICE
LITIGATION**

MDL No. 2245

SCHEDULE CTO-5 – TAG-ALONG ACTIONS

<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>CASE CAPTION</u>
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NEW YORK WESTERN

NYW	1	12-00812	DeLiberty v. Cardtronics, Inc.
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